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Approved For Release 2005/03/24 : CIA-RDP81-00818R000100060042-2

18 July 1973

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DDI, called  
and said they had no problem with our  
proposals on the Ervin bill and that they  
concur fully.

SMG

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9 JUL 1973

MEMORANDUM FOR: Executive Officer to the Deputy Director  
for Management and Services

SUBJECT : Ervin Bill

REFERENCE : DD/M&S 73-2689

1. Reference is made to your request for comments or concurrence concerning two proposed letters prepared by the Office of Legislative Counsel for the DCI's signature.

2. It is suggested that the letter addressed to Senator Ervin be amended by the addition of the following sentence to the second paragraph: "Among these are restrictions on the use of the polygraph, constraints covering psychiatric testing, and prohibitions against requiring employees to report on outside activities unrelated to the performance of their official duties even though such activities might result in the inadvertent disclosure of sensitive intelligence." We offer this suggestion in order to highlight other problem areas of S.1688 in addition to the adversary procedures paradox mentioned in the fourth paragraph.

3. It is recommended that the fourth paragraph of the letter should include the following as the last sentence: "Although the proposed legislation limits counsel to a cleared attorney or to a fellow employee and permits me to withhold classified information under sections 1(k), (4) and (5), I believe that because a great many sensitive intelligence operations and activities may be involved, serious questions arise as to the appropriate control and protection of the intelligence information itself." The addition of this sentence will make clear to Senator Ervin that we fully understand the limited exceptions granted the Agency and NSA covering the adversary procedures of the bill.

✓ 4. The fourth paragraph of the letter to Senator Symington indicates that our objective to protect sources and methods may conflict with Federal employees' rights. In view of the interest of Congress in the field of the "rights" of U.S. citizens, it is recommended that the first sentence of the paragraph be amended to read as follows: "It is clear that the Congress, in enacting several laws pertaining to the Agency, realized the paramount governmental interest in protecting intelligence sources and methods from unauthorized disclosure in cases where this objective may conflict with other important considerations such as the privacy granted other Federal employees not engaged in activities which, if compromised, would have such an adverse effect on the national security. Moreover, these other Federal employees are generally not targeted by hostile services for the purpose of subversion."

5. Please advise if any additional data are desired.



Director of Security

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You do realize, of course, like other Federal agencies we have declared employees surplus. This is not a disciplinary proceeding.

ROUTING AND RECORD SHEET

SUBJECT: (Optional) DD/S&T#2012-73

FROM: Legislative Counsel EXTENSION:  NO. OCC 73-0784  
DATE 3 July 1973 STAT

TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. <span style="border: 1px solid black; padding: 2px;"></span>	<i>3/7</i>		<i>(12)</i>	<p>It is quite possible that as in the last Congress, the Ervin bill will be passed by the Senate without further committee hearings or request to any Executive agency for their views on the bill. We feel however that for the sake of the record it is important that the Agency submit a formal position to Senator Ervin which is attached (Tab A) for your comment and/or concurrence.</p> <p>When Senator Ervin introduced his current bill he stated that he had given serious consideration to a full exemption for the Agency but he found it was impossible to do so since he had learned that recently the Agency had denied the right of personal counsel to be present at disciplinary proceedings. We feel we should not let this charge go unanswered and if agreeable to Acting Chairman Symington, we propose to send Attachment B.</p> <div style="border: 1px solid black; width: 200px; height: 30px; margin: 10px auto;"></div> <p style="text-align: center;">John M. Maury Legislative Counsel</p>
2. <i>ADOSTT</i>	<i>3/7</i>		<i>REK</i>	
3. <i>SMS S&amp;T</i>	<i>7/3/73</i>		<i>REK</i>	
4. <i>AEXO S&amp;T</i>	<i>3/7</i>		<i>(12)</i>	
5.				
6.				
7. <i>Legislative Counsel</i>				
8.				
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15.				

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

EXTENSION

NO.

OLC 73-0784

DATE

2 July 1973

Legislative Counsel

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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JUL 1973

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When Senator Ervin introduced his current bill he stated that he had given serious consideration to a full exemption for the Agency but he found it was impossible to do so since he had learned that recently the Agency had denied the right of personal counsel to be present at disciplinary proceedings. We feel we should not let this charge go unanswered and if agreeable to Acting Chairman Symington, we propose to send Attachment B.

John M. Maury  
Legislative Counsel

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Ervin Bill

FROM:

Director of Security  
Room 4 E-60

EXTENSION

NO.

DATE

9 JUL 1973

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. Executive Officer to  
DD/M&S

7/10/73

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